

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:09-CR-00270

THOMAS CREIGHTON SHRADER

**ELEVENTH SUPPLEMENTAL RESPONSE OF THE UNITED STATES OF
AMERICA TO DEFENDANT'S STANDARD DISCOVERY REQUESTS**

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, Rule 16.1(a) of the Local Rules of Criminal Procedure, and the Arraignment Order and Standard Discovery Request entered by the Court in this case on December 15, 2009, the United States of America, by counsel, herewith supplements its response to Defendant's Standard Discovery Requests by providing the following:

Request E: Permit the defendant to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, building or places, or copies or portions of any of those items, if the item is within the government's possession, custody or control, and (i) the item is material to preparing the defense; (ii) the government intends to use the item in its case-in-chief at trial; or (iii) the item was obtained from or belongs to defendant. [Fed. R. Crim. P. 16(a)(1)(E)]

Response: Pursuant to the Court Order dated August 12, 2010, the United States submits the following document, GOV 339-342, an interoffice memorandum or "EC" dated November 4, 2009. The United States has reviewed the EC and does not believe it contains material that is either exculpatory to Defendant or could be used

to impeach RS. See Brady v. Maryland, 373 U.S. 83, 87 (1963) and Giglio v. United States, 405 U.S. 150, 153-54 (1972). Nonetheless, the United States is producing the requested document.

Any discovery provided that is not mandated by Court order, the Federal Rules of Criminal Procedure, federal statute or federal case law, is provided voluntarily as a matter of discretion solely to expedite and facilitate litigation of this case.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the "ELEVENTH SUPPLEMENTAL RESPONSE OF THE UNITED STATES OF AMERICA TO DEFENDANT'S STANDARD DISCOVERY REQUESTS" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing today, August 12, 2010, to:

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